

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MATTHEW J. TYRA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-00340-JPH-MPB
	)	
STATE OF INDIANA,	)	
	)	
Defendant.	)	

**Order Rejecting Amended Complaint and Denying Motion to Proceed *in Forma Pauperis***

**I.**

Plaintiff Matthew Tyra filed this lawsuit on February 10, 2021. Dkt. 1. The Court screened the complaint pursuant to 28 U.S.C. § 1915A and dismissed it for failure to state a claim upon which relief can be granted. Dkt. 4. The Court further noted that any challenge to the plaintiff's custody must be brought as a petition for a writ of habeas corpus, not in a civil rights case. *Id.* The Court gave Mr. Tyra an opportunity to file an amended complaint that states a claim for relief, but his amended complaint still did not state a claim and the Court dismissed this action on March 19, 2021. Dkt. 6, 7. Mr. Tyra has filed another amended complaint and a motion to proceed *in forma pauperis*. The amended complaint, dkt. [8], is **rejected** because no amended complaint can be filed after the entry of final judgment unless that final judgment has been vacated. *Spiegel v. McClintic*, 916 F.3d 611, 619 (7th Cir. 2019). Because the Court entered final judgment, this Court lacks jurisdiction to consider the motion to amend. *Id.* This ruling does not prevent Mr. Tyra from filing a new lawsuit asserting new claims if he chooses to do so.

## **II. Motion to Proceed *in Forma Pauperis***

Mr. Tyra's motion to proceed *in forma pauperis*, dkt. [9], is **denied** as presented because that motion does not attach a copy of the transactions associated with his institution trust account for the 6-month period preceding the filing of this action. *See* 28 U.S.C. § 1915(a)(2).

**SO ORDERED.**

Date: 7/13/2021



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

MATTHEW J. TYRA  
242227  
INDIANA STATE PRISON  
INDIANA STATE PRISON  
Inmate Mail/Parcels  
One Park Row  
MICHIGAN CITY, IN 46360